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**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. PT-2010-1150

SHANA LASHAUNT PASCHALL
1525 E. Eureka St., Apt. 116
San Bernardino, CA 92404

A C C U S A T I O N

Psychiatric Technician License No. PT 34097

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. On or about March 7, 2008, the Board of Vocational Nursing and Psychiatric Technicians issued Psychiatric Technician License No. PT 34097 to Shana Lashaunt Paschall (Respondent). The Psychiatric Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2013, unless renewed.

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1 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that
2 division, from taking disciplinary action against a licensee or from denying a license for
3 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a
4 record pertaining to an arrest."

5 7. Section 4520 states, in pertinent part, that the Board may discipline any licensed
6 psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of
7 the Psychiatric Technicians Law (Code § 4500, et. seq.)

8 8. Section 4521 states, in pertinent part:

9 "The board may suspend or revoke a license issued under this chapter [the Psychiatric
10 Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

11 "(a) Unprofessional conduct, which includes but is not limited to any of the following:

12

13 (4) Obtain or possess in violation of law, or prescribe, or, except as directed by a
14 licensed physician and surgeon, dentist, or podiatrist, administer to himself or herself or furnish or
15 administer to another, any controlled substance as defined in Division 10 (commencing with
16 Section 11000) of the Health and Safety Code or any dangerous drug as defined in Section 4022.

17 (5) Use any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022,
19 or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself,
20 any other person, or the public or to the extent that the use impairs his or her ability to conduct
21 with safety to the public the practice authorized by his or her license.

22 (6) Be convicted of a criminal offense involving the falsification of records
23 concerning prescription, possession, or consumption of any of the substances described in
24 paragraphs (4) and (5), in which event the record of the conviction is conclusive evidence of the
25 conviction. The board may inquire into the circumstances surrounding the commission of the
26 crime in order to fix the degree of discipline.

27

1 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violation of, or conspiring to violate any provision or terms of this chapter.

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4 "(f) Conviction of any offense substantially related to the qualifications, functions, and
5 duties of a psychiatric technician, in which event the record of the conviction shall be conclusive
6 evidence of the conviction. The board may inquire into the circumstances surrounding the
7 commission of the crime in order to fix the degree of discipline.

8

9 "(n) The commission of any act involving dishonesty, when that action is substantially
10 related to the duties and functions of the licensee."

11 **REGULATORY PROVISIONS**

12 9. California Code of Regulations, title 16, section 2578, states, pertinent part:

13 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
14 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
15 considered to be substantially related to the qualifications, functions or duties of a licensed
16 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a
17 licensed psychiatric technician to perform the functions authorized by his license in a manner
18 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be
19 limited to those involving the following:

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21 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
22 violation of, or conspiring to violate any provision or term of Chapter 10, Division 2 of the
23 Business and Professions Code."

24 **COST RECOVERY**

25 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Convictions of Substantially-Related Crimes)

11. Respondent is subject to disciplinary action under sections 490, 4521, subdivision (f), in conjunction with California Code of Regulations, title 16, section 2578, on the grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a psychiatric technician as follows:

a. On or about December 8, 2010, after pleading guilty, Respondent was convicted of violating Penal Code section 415(2) [disturbing the peace], an infraction, in the criminal proceeding entitled *The People of the State of California v. Shana Lashaunt Paschall* (Super. Ct. San Bernardino County, 2010, No. 902729SP). The court fined Respondent. The circumstances surrounding the conviction are that on or about September 22, 2010, Respondent was contacted in a business parking lot in San Bernardino, which is well-known for drug sales. San Bernardino police officers observed a man leaning into the window of Respondent's vehicle and hand her something. Respondent was found in possession of marijuana and a clear glass pipe with a hollow bulb on one end, which is consistent with those used to smoke methamphetamine. Respondent was arrested for violating Health and Safety Code sections 11357(b) (possession of less than an ounce of marijuana) and 11364(a) (possession of drug paraphernalia).

b. On or about August 23, 2002, after pleading guilty, Respondent was convicted of one misdemeanor count of violating Penal Code section 148.9, subdivision (a) [false identification to peace officer]; one misdemeanor count of violating Penal Code section 647, subdivision (b) [disorderly conduct: prostitution]; and one misdemeanor count of violating Penal Code section 853.7 [failure to appear after written promise], in the criminal proceeding entitled *The People of the State of California v. Shana Lashaunt Paschall* (Super. Ct. San Bernardino County, 2002, No. MSB063292). The court sentenced Respondent to serve 365 days in jail, placed her on probation for a period of 36 months and fined her. The circumstances surrounding the conviction are that on or about May 28, 2002, Respondent was cited by San Bernardino Police Department Officers for prostitution. During the Respondent's booking process, Respondent gave the officer a false name and birth date.

1 c. On or about May 30, 2002, after pleading guilty, Respondent was convicted of one
2 misdemeanor count of violating Penal Code section 647, subdivision (b) [disorderly conduct:
3 prostitution] and one misdemeanor count of violating Health and Safety Code section 11364
4 [possession of drug paraphernalia], in the criminal proceeding entitled *The People of the State of*
5 *California v. Shana Lashaunt Paschall* (Super. Ct. San Bernardino County, 2002, No.
6 MSB059864). The court sentenced Respondent to serve 5 days in jail, and placed her on
7 probation for a period of 36 months. The circumstances surrounding the conviction are that on or
8 about September 11, 2001, Respondent unlawfully solicited another, an undercover San
9 Bernardino County detective, to engage in an act of prostitution. The arresting officers searched
10 Respondent and recovered a cocaine pipe. Respondent told the officers that the pipe was not
11 hers, but that she had one earlier. The officers also recovered a piece of rock cocaine in
12 Respondent's coin pocket of her shorts. Respondent stated to the officers, "If it was cocaine, I
13 would have smoked it." The officers found Respondent to be dishonest and uncooperative.

14 d. On or about November 23, 1999, after pleading guilty, Respondent was convicted of
15 one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving a
16 vehicle while having 0.08% or more, by weight, of alcohol in his or her blood], in the criminal
17 proceeding entitled *The People of the State of California v. Shana Lashaunt Paschall* (Super. Ct.
18 San Bernardino County, 1999, No. TVA84470). The court sentenced Respondent to serve 30
19 days in jail, placed her on probation for a period of 36 months, ordered Respondent to complete a
20 first-offender alcohol program and fined her. The circumstances surrounding the conviction are
21 that on or about September 1, 1999, Respondent did unlawfully and willingly drove a vehicle
22 while having 0.08% or more, by weight, of alcohol in her blood.

23 e. On or about April 18, 1995, after pleading guilty, Respondent was convicted of one
24 felony count of violating Penal Code section 245, subdivision (a)(2) [assault with firearm on a
25 person], in the criminal proceeding entitled *The People of the State of California v. Shana*
26 *Lashaunt Paschall* (Super. Ct. San Bernardino County, 1995, No. FVA003609). The court
27 placed Respondent on probation for a period of one year and fined her. The circumstances
28 surrounding the conviction are that on or about February 4, 1995, Respondent did unlawfully and

1 willingly commit an assault upon another person with a firearm. On or about February 4, 1995,
2 Rialto Police Department Officers were dispatched to "Discount Tire", a tire store in the city of
3 Rialto, California, to investigate a woman with a gun. Upon arrival, the officers identified the
4 Respondent as the female who was waving a gun in the store. The officers recovered a handgun
5 from Respondent's purse as she was taken into custody. Respondent was observed being upset
6 over a flat tire and brandished a loaded handgun. Respondent was observed waving a gun around
7 inside the store and holding the gun to an employee's chest several times.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Illegal Use of Drugs and / or Alcohol Posing Danger to Public)**

10 12. Respondent is subject to disciplinary action under section 4521, subdivision (a)(5), on
11 the grounds of unprofessional conduct, in that on or about September 1, 1999, Respondent used
12 drugs and/or alcohol to an extent or in a manner dangerous or injurious to herself or any other
13 person, or the public. Complainant refers to, and by this reference incorporates, the allegations
14 set forth above in paragraph 11, as though set forth fully.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Illegal Possession of Drugs)**

17 13. Respondent is subject to disciplinary action under section 4521, subdivision (a)(4), on
18 the grounds of unprofessional conduct, in that Respondent possessed in violation of law a
19 controlled substance as defined in Division 10 (commencing with Section 11000) of the Health
20 and Safety Code and any dangerous drug as defined in Section 4022, as follows:

21 a. On or about September 22, 2010, Respondent illegally possessed drug paraphernalia
22 (pipe used for smoking methamphetamine). Complainant refers to, and by this reference
23 incorporates, the allegations set forth above in paragraph 11, subparagraphs (a), as though set
24 forth fully.

25 b. On or about September 11, 2001, Respondent illegally possessed a cocaine pipe and a
26 piece of rock cocaine. Complainant refers to, and by this reference incorporates, the allegations
27 set forth above in paragraph 11, subparagraph (c), as though set forth fully.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Convictions of Drug and / or Alcohol Related Crimes)**

3 14. Respondent is subject to disciplinary action under section 4521, subdivision (a)(6), on
4 the grounds of unprofessional conduct, in that Respondent was convicted of crimes involving the
5 possession or consumption of drugs and/or alcohol on May 30, 2002 and November 23, 1999.
6 Complainant refers to, and by this reference incorporates, the allegations set forth above in
7 paragraph 11, as though set forth fully.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Acts Involving Dishonesty, Fraud, and / or Deceit)**

10 15. Respondent is subject to disciplinary action under section 4521, subdivision (n), on
11 the grounds of unprofessional conduct, in that on or about May 28, 2002, Respondent committed
12 an act involving dishonesty that is substantially related to the duties and functions of a licensee.
13 Complainant refers to, and by this reference incorporates, the allegations set forth above in
14 paragraph 11, subparagraph (b), inclusive, as though set forth fully.

15 **ADDITIONAL DISCIPLINARY CONSIDERATIONS**

16 16. To determine the degree of discipline, if any to be imposed on Respondent,
17 Complainant alleges the following:

18 a. On or about January 22, 2008, Respondent received a "Notice of Warning" from the
19 Board stating that Respondent should behave professionally, honestly, and ethically. Further
20 substantial reports that she violated the law or regulations governing the practice as a psychiatric
21 technician, may result in disciplinary action. Respondent had failed to disclose four of her
22 convictions on her application for licensure.

23 **PRAYER**

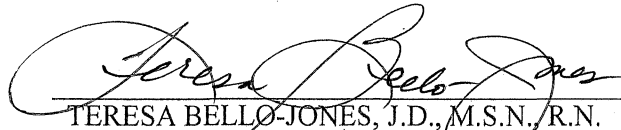
24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
26 issue a decision:

27 1. Revoking or suspending Psychiatric Technician License No. PT 34097, issued to
28 Shana Lashaunt Paschall;

1 2. Ordering Shana Lashaunt Paschall to pay the Board the reasonable costs of the
2 investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3; and

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: **DEC 12 2012**



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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